

What have we done? What have we done for wildlife habitat? What have we done to conserve species, to preserve and help restore endangered species? Our Department of Conservation has acquired 72 properties in the Missouri River flood plain totaling almost 45,000 acres. Senator HARKIN of Iowa and I and others have requested funding for a number of ongoing habitat projects, and while two are funded in this bill, one was not funded.

We have authorized and we have begun funding for a 60,000-acre flood plain refuge between St. Louis and Kansas City. We authorize an addition of 100,000 acres of land acquisition in the lower basin to restore habitat, with almost 13,700 acres already acquired.

I have been pleased to work with American Rivers and Missouri farm groups to authorize habitat restoration on the river, to create sandbars, islands, and side channels. These are the natural structures that support and facilitate species such as the pallid sturgeon.

I regret to say this administration, as the last administration, requested no funds to start the project, and the subcommittee this year did no new starts, so a consensus approach is lying in state. We have financed over 21,740 acres of wetland easements from the Wetlands Reserve Program in Missouri. Missouri is very active with the Conservation Reserve Program, and farmers are signing up for filter strips along waterways to reduce runoff.

We are working in Missouri on an agroforestry flood plain initiative and have demonstrated tree systems that take out nearly three-quarters of the phosphorous and nitrogen so it does not reach the waterways while providing excellent bird habitat.

According to our Department of Natural Resources, river engineering efforts on the Mississippi River have paid big dividends for endangered species. For example, at river mile 84 on the Upper Mississippi River, the Corps has created hard points in the river to separate a sandbar from the bank to create a nesting island for the federally endangered least tern. In addition, larval sturgeon have been collected in the resultant side channel.

Four islands around mile 100 on the Upper Mississippi were created by modifying existing navigational structures without interfering with water transport. Islands have flourished even through the flood of 1993.

At river mile 40 on the Upper Mississippi, the Corps has established critical off-channel connectivity essential as overwintering and rearing habitat for many Mississippi River fishes.

We know there are better approaches that do not hurt people, and that is where the focus has been in Missouri, and that is where the focus should be in Washington. The sooner we table the plan that is risky, untested, and dangerous, the sooner we can get to the plans that are tested and broadly supported.

Our bipartisan amendment is supported by members across the country: the National Waterways Alliance, National Corn Growers Association, American Soybean Association, American Farm Bureau Federation, National Association of Wheat Growers, National Council of Farmer Cooperatives, Agricultural Retailers Association, National Grain and Feed Association, and others.

The Fish and Wildlife Service plan has been opposed strongly by the Southern Governors Association which issued another resolution opposing it early this year. The Fish and Wildlife plan is opposed strongly by our current Governor, Governor Holden, and his Department of Natural Resources which is just as knowledgeable and just as committed to the protection of the river they live on as the Federal field representatives who live in other regions and States.

I say to all the Senators on the Mississippi River that objections were raised to the Fish and Wildlife Service plan in a recent letter to the President signed by nine Mississippi River Governors. These Governors include Governor Patton from Kentucky, Governor Sundquist from Tennessee, Governor Foster from Louisiana, Governor Musgrove from Mississippi, Governor Ryan from Illinois, Governor Huckabee from Arkansas, Governor McCallum from Wisconsin, and Governor Holden from Missouri.

This plan is opposed on a bipartisan basis by elected officials, by our late Governor Carnahan, by mayors, farmers, and the people all along the Missouri River.

Our amendment seeks to add some balance in the decisionmaking process and attempts to permit the administration to do what is right to find ways to address species recovery that do not harm people, that do not harm property, that do not interfere with the other legitimate multiple uses of the Missouri River.

I strongly urge my colleagues to adopt this bipartisan amendment. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I compliment the Senator from Missouri. He clearly feels as passionate about this issue as I do, and he, like I, has tried to find common ground. I have no objection to the amendment that Senator BOND is proposing this afternoon.

What he is saying through this amendment is that in addition to the proposal made by Fish and Wildlife, there ought to be consideration of other issues, other opportunities to address the problem. I have said that from the beginning.

I will support this amendment, and I urge my colleagues to support it as well. I also urge my colleagues to endorse this position as the bill proceeds through conference. This is a position that I think will clearly show unanimity on both sides of the aisle and,

as a result, I hope we can maintain this position rather than the very negative approach adopted by the House.

I am hopeful as we go into conference that Senator BOND will support the position that he and I now have adopted as a Senate position.

While I am in agreement on the amendment, we are in vast disagreement about the issue. I feel compelled to address some of the questions raised by the distinguished Senator from Missouri.

First of all, it is important to remember, most importantly perhaps, it is important to remember that this goes beyond just the pallid sturgeon. Obviously, the pallid sturgeon is an endangered species, and we can argue all afternoon about the relevance of the pallid sturgeon to the master manual debate, but in my view, this is about more than an endangered species. This debate is about an endangered river. This debate and the master manual is about whether or not we can save an endangered river.

This is not about an endangered species. This debate is about an endangered river. This debate and the master manual is about whether or not we can save an endangered river.

The distinguished Senator mentioned the organization American Rivers. The American Rivers organization has now listed for the second year in a row the Missouri River as the most endangered river in America. It doesn't get any worse than that.

We talked about the Federal Government's commitments and regulatory approach. Citizens of South Dakota know a lot about commitments and regulatory approach. We were told if we gave up hundreds of thousands of acres of land to build four dams to help downstream States, we would benefit. We would have irrigation projects, and we would have water projects, and we would have an array of special consideration given the new jeopardy within which we find ourselves as a result of the dams' construction.

The first things to go, of course, were all the irrigation projects. We don't have any in South Dakota. That is done. The second thing to go, of course, was the quality of life for people who lived along the river. We had to move communities. That is done. We have moved them. Unfortunately, because the master manual is now so out of date, we are drowning communities all along the river as we speak.

The Senator from Missouri talks about his concern for spring rise and floods. We are getting that every year. We have already authorized the construction of new homes for 200 homeowners in Pierre, SD. We will have to commit \$35 million to move homeowners because we flooded them out because the master manual isn't working.

So don't talk to us about spring rise. Don't talk to us about flooding. Don't talk to us about sacrifice. We know

sacrifice. We know the problem because we are living in it every single day.

Yes, this is about pallid sturgeons. But this is about a lot of South Dakotans who are living on the river who were told they were safe, who were told they had been given commitments, who were told they would get irrigation projects, who were told they would get all kinds of benefits which we have not seen.

This is about an endangered river. It is about a master manual written 50 years ago when times were a lot different. It is about a recognition that every once in a while, perhaps at least every two generations, we ought to look at a master manual and whether it is working or not and come to a conclusion about rewriting it so people are not flooded out.

This has been an effort 10 years in the making. In spite of all the assertions made by the Fish and Wildlife and the Corps of Engineers and others that the spring rise proposal provides 99 percent of the flood control we have today, that is not good enough for some of our people. In spite of the fact they tell us in any single year there would be high water, there would be no spring rise, we would not authorize it, that is not good enough for some people.

The distinguished Senator from Missouri mentioned a hero of mine, Steve Ambrose. I don't know of anybody who knows more about that river than he does. He has walked virtually every mile of it. He knows it backwards and forwards. He knows its history, he knows its splendor. He knows the river like no one knows the river. He has been very complimentary about the efforts made to protect it now. I will not speak for him, but I will say this. Were he here, I think he would express the same concern about how endangered this river is, as I just have.

Steve Ambrose is not the only one. The Senator from Missouri was talking about all the indignation, talking about all those who came out in opposition, and he mentioned quite a list of people. I could go on, too, with lists of organizations, lists of Governors on a bipartisan basis. I think perhaps the most important is the letter we received on May 21 from the Missouri River Natural Resources Committee. The Missouri River Natural Resources Committee is made up of people up and down the river, but especially people in the lower regions of the river. Here is what the Missouri River Natural Resources Committee has to say. I will read one sentence, and I ask unanimous consent the letter be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit No. 1.)

Mr. DASCHLE. "The MRNRC supports the recommendations contained in the Biological Opinion as biologically sound and scientifically justified."

There you have it, perhaps the most authoritative organization on river management dealing with the Missouri River. This sentence is underlined: "This plan is biologically sound and scientifically justified."

I feel this as passionately as the distinguished Senator from Missouri. What happens when two people who feel as passionately as we both do, with polar opposite positions, come to the floor on a bill of this import, on an issue of this import? What I did early in the year—and I thank my very professional staff, Peter Hanson, and others, and my colleague, Senator JOHNSON, for his admirable work on the committee in working with us, and perhaps most importantly, my chairman on this subcommittee, HARRY REID. I thank them all for their extraordinary efforts to work with us to try to find some common ground.

Basically, what is in the bill is simply an amendment that says: Look, let's continue to look at this; let's see if we can find the common ground, with the depth of feeling we recognize on both sides. Let's not do any damage, but let's keep working.

That is what is in the bill. Let's not make any conclusions, let's not insert that somehow the States have to comply prematurely. We already have invested 10 years. What is another year? Let's keep working.

That is what is in the bill.

What the Senator from Missouri is saying is let's also ensure that there are other options that we look at. I have no objection to that. That is why I support this amendment. If we pass this legislation, we will look at other options, we will not take any specific action right now, but we will not deny, as the House did, the right to continue to move forward. I hope we can all agree this is a legitimate, balanced approach.

I also hope people recognize this: If we don't solve it, the Fish and Wildlife and the Corps don't solve us, there is only one other recourse: The courts of the United States will solve this. This will be tied up in the courts, and we will see litigation for a long time to come, and it will be North v. South in a new context. I don't want to see that.

I want to see a resolution to this problem. I want to see some understanding of the science that has gone into the solution to this problem. I want to see a recognition that there is pain on both sides of this problem. I want to see us not continuing to kick the ball down the field but coming to grips with it, finishing it, and moving on.

This master manual is now older than I am. The river has changed a lot, as I have, over the last 50 years. I think it is time to update it. Probably time to update, me, too. This river is a lot more important than I am. This river provides a lot more livelihood to people in South Dakota than I do. This river is dying, and we need to save it.

EXHIBIT No. 1

MISSOURI RIVER
NATURAL RESOURCES COMMITTEE,
Missouri Valley, IA, May 21, 2001.

Secretary GALE NORTON,
*Department of the Interior,
Washington, DC.*

DEAR Ms. NORTON: I am writing to express the position of the Missouri River Natural Resources Committee (MRNRC) concerning the biological and scientific merits of the November 30, 2000, final Biological Opinion of the U.S. Fish and Wildlife Service on the Operation of the Missouri River Main Stem Reservoir System, Operation and Maintenance of the Missouri River Bank Stabilization and Navigation Project, and Operation of the Kansas Reservoir System. By way of introduction, the MRNRC is an organization of appointed, professional biologists representing the seven main stem Missouri River Basin state fish and wildlife management agencies. Our agencies have statutory responsibilities for management and stewardship of river fish and wildlife resources held in trust for the public. We were established in 1987 to promote and facilitate the conservation and enhancement of river fish and wildlife recognizing that river management must encompass the system as a whole and cannot focus only on the interests of one state or agency. Besides an Executive Board of state representatives, we also have three technical sections—Fish Technical Section, Tern and Plover Section, and Wildlife Section—consisting of river field biologists and managers which advise the Board on river science, management, and technical matters.

The MRNRC supports the recommendations contained in the Biological Opinion as biologically sound and scientifically justified. Implementation of these recommendations will not only benefit the federally-listed pallid sturgeon, interior least tern and piping plover, but also many other river and reservoir fish and wildlife for which our agencies have responsibility and jurisdiction, including river fish species which have declined in many river reaches since development of the system. A sustainable river ecosystem requires restoring as much as possible those hydrological functions and river and floodplain habitat features under which native river fish and wildlife evolved. The scientific community is increasingly recommending restoration of natural flow patterns or some semblance of them to conserve native river biota and river ecosystem integrity (Richter et al., 1998; Galat et al., 1998). The Opinion takes the first, adaptive management step toward accomplishing this task while recognizing that the river has been drastically modified and must continue to meet other human needs for power generation, water supply, recreation, flood control, and commercial navigation.

The Opinion contains most of the operating and habitat rehabilitation objectives contained in an alternative submitted by the MRNRC in August, 1999, for the Corps of Engineers' Missouri River Master Manual Environmental Impact Statement Review and Study and in a white paper we developed in 1997 (Restoration of Missouri River Ecosystem Functions and Habitats). These objectives include higher spawning flow releases from Fort Peck and Gavins Point Dams in the spring, warmer water releases from Fort Peck Dam through the spring and summer, lower flows below Gavins Point Dam in the summer, unbalancing of reservoir storage (annual rotation of high, stable, and lower reservoir storage levels among the big three reservoirs), restoration of shallow water aquatic habitat in the channelized river reaches, and restoration of emergent sandbar habitat in least tern and piping

plover nesting areas, all of which have been advocated for many years by the MRNRC.

The MRNRC also commented on and supported the draft Biological Opinion. A copy of that letter is enclosed. The final Opinion is responsive to our comments on the draft. We are especially pleased to see the commitment to include our agencies in the Agency Coordination Team process for fine-tuning and implementing management actions identified in the Opinion. I am also enclosing a copy of the 1997 white paper and a brochure which explains the function of the MRNRC. I hope this letter and accompanying materials clarify the views of professional biologists responsible for Missouri River fish and wildlife. Please do not hesitate to contact me (712-336-1714) if we can be of further help in this regard.

Sincerely,

THOMAS GENDERKE,
MRNRC Chair,
Iowa Department of Natural Resources.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If the Senator from Missouri will yield for a brief statement.

While the leader is here, I want to say this is legislation that is best. The provision in the bill could have been a benchmark for a lot of confusion and derision, but the staffs involved, because of all the concern for the river, sat down and did something constructive. I, personally, as well as Senator DOMENICI, appreciate this very much. This avoids a contentious fight. Because of the good heads of the staff and the wisdom of the Senators involved, we have resolved a very contentious issue. Senator DOMENICI and I are very thankful.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. CARNAHAN. Mr. President, I thank my colleague for that eloquent and enthusiastic support for a solution to the problem we have worked on for so many years. I love the opportunity to work with him in being able to find that solution.

Today, I want to speak about an issue that is important to the people of Missouri. As you see, my State lies at the confluence of these two great rivers, the Missouri and the Mississippi. The rise and the fall of these rivers has a tremendous effect on Missouri, on its agriculture and recreation and environment and economy.

The U.S. Fish and Wildlife Service has proposed to shift the flow of the Missouri River so that more water passes through our State in the spring and less in the summer. It is called the spring rise. If this proposal goes into effect, it could have devastating consequences, including increased likelihood of flooding and the shutdown of the barge industry on the Missouri.

The energy and water appropriations bill being considered by the Senate contains language that would prohibit the Army Corps of Engineers from expediting the schedule to finalize revisions to the master manual that governs waterflow on the Missouri River. In effect, this provision would ensure that the decision regarding the flow of the river would not be made until 2003.

While I welcome that language as a temporary stopgap for Missouri, it is not enough to protect Missourians or other downstream States, for without additional action by Congress, it is virtually certain that the Corps of Engineers will adopt the Fish and Wildlife Service's recommendation for spring rise. That is a condition that will do great harm to Missouri and other users of the Missouri and Mississippi Rivers.

The Bond-Carnahan amendment strengthens the bill to provide greater protections for Missourians. It would allow the Corps to propose alternatives to assist the recovery of endangered species, but it would not preclude the Corps from adopting the Fish and Wildlife Service's proposal for spring rise.

Just 8 years ago, Missourians faced one of the worst floods in their history. The water crested almost 50 feet over the normal level. Entire neighborhoods were washed away and damage estimates ran into the billions. This year, we saw communities up and down the river battling against floodwaters once again.

I cannot believe that a government agency would contemplate an action that would put Missourians and residents of other downstream States at risk of even more flooding.

The proposal is to release huge amounts of water from Gavins Point, SD, in the spring when the risk of flooding is already high. It takes 10 to 11 days for water from Gavins Point to reach St. Louis. What would happen if we received an unexpected heavy rainfall after the water had been released from Gavins Point? The answer is simple. Missourians would face a severe flood. Even the Corps admits that would be the case. That is an unacceptable risk.

The change would also damage the region's economy. The barge industry contributes as much as \$200 million to our economy and would be severely hurt by the low river levels that would occur in the summer. The economic benefits to upstream users, approximately \$65 to \$85 million, pales in comparison.

We must also factor in the value of barge traffic on the Mississippi River. The proposed low summer flow would bring barge traffic to a near halt for at least 2 months during the summer at that area known as the bottleneck region of the Mississippi River. This is the portion of the river that stretches just south of the confluence of the Missouri and Mississippi Rivers, to Cairo, IL. The bottleneck needs the higher Missouri River flow to sustain barge traffic.

The disruption caused by this proposal would jeopardize 100 million tons of Mississippi River barge traffic which generates \$12 to \$15 billion in annual revenue.

Finally, there is no reason to believe that the Fish and Wildlife Service proposal will do anything to help endangered species. The Service claims that its recommended plan will benefit the

pallid sturgeon below Gavins Point, but it provides no supporting evidence that any of the claimed benefits will be realized. In fact, the Service admits, in its own Biological Opinion, that enormous gaps exist in our knowledge of the needs of the pallid sturgeon. Furthermore, the Biological Opinion notes that commercial harvesting of sturgeon is allowed in five States.

If that is the case, I would think it would be more appropriate for the Service to halt the commercial harvesting, rather than risk severe flood and shut down barge traffic, all for unproven benefits to the sturgeon.

I am also not convinced that the Fish and Wildlife Service plan will accomplish the goal of helping two bird species: the interior least tern and the piping plover. In fact, many experts believe that the higher reservoir levels upstream resulting from the Service's proposal could actually harm these birds and their habitat at a critical point in the year. Fluctuations in the river level could also greatly disrupt nesting burdens below Gavins Dam. The Service's Biological Opinion fails to address the consequences of these unnatural changes.

There are better ways to ensure the continued healthy existence of these species. After the pallid sturgeon was added to the Federal endangered species list in 1990, the U.S. Fish and Wildlife Service formed the pallid sturgeon recovery team to rebuild the fish's dwindling numbers. The Missouri Department of Conservation joined this effort by working with commercial fishermen to obtain several wild sturgeon from the lower part of the Mississippi River. In 1992, the Department successfully spawned female pallid sturgeons, which has since led to the production of thousands of 10- to 12-inch sturgeon for stocking. The pallid sturgeon had never been spawned in captivity, but the Department developed certain techniques to do so. The fish were then released into the rivers.

Before the release, the Missouri Department of Conservation tagged them for tracking purposes. They have since been amazed at the number of reported sightings of the tagged fish, which has surpassed anything they anticipated.

If we are dedicated to preserving these species, we can do so through efforts such as those carried out in Missouri.

In recent years, this has become a partisan issue. It should not be. Some say it is an environmental issue. It is not. The environmental benefits of a spring rise are totally unproven.

Some say it is an economic issue. It is not. On balance, it would harm our economy. This is an issue of fairness. It is not fair to expose Missourians and other downstream residents to severe flooding, economic loss, and potential environmental destruction.

Our amendment, the Bond-Carnahan amendment, will ensure fairness for everyone who shares these rivers. I urge its adoption.